

DEC 20 2004

PATENT
ATTORNEY DOCKET NO: 33677-00700US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Borodic *et al.*

Application No: 10/040,830

Filed: January 8, 2002

For: THE USE OF BOTULINUM
TOXIN FOR THE
TREATMENT OF
CHRONIC FACIAL PAIN

Group Art Unit: 1645

Examiner: Vanessa L. Ford

Director
United States Patent and Trademark Office
Alexandria, VA 22313-1450INFORMATION DISCLOSURE STATEMENT

Applicants herewith submit an Information Disclosure Statement ("IDS") under 37 CFR §§ 1.97 (c) and 1.98, and pursuant to 37 CFR § 1.56 which is accompanied by the required fee of \$180 under 37 CFR § 1.17(p). A copy of each document listed in the IDS is attached hereto.

This submission does not constitute an admission that any or all of the listed documents are material or constitute "prior art" under United States law. Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of each document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 CFR § 1.18, the Director is hereby authorize by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 CFR §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 13-3250. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR § 1.136(a)(3)

ATTORNEY DOCKET NO: 33677-00700US

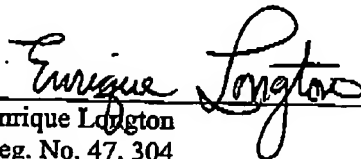
Application Serial No.: 10/040,830

Page 2

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY LLP

By:


Enrique Longton
Reg. No. 47, 304

Dated: May 25, 2004

Customer No. 38647

MILBANK, TWEED, HADLEY & McCLOY LLP

1825 Eye Street, NW Suite 1100

Washington, DC 20006

202-835-7500

PTO/SB/08B (08-03)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/040,830
Filing Date	January 8, 2002
First Named Inventor	Borodic et al.
Art Unit	1645
Examiner Name	Vanessa L. Ford
Attorney Docket Number	33677-00700

Sheet

1

of

1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		J. OLESEN, "Classification of Headache" Chapter 2, The Headaches, Second Edition, Lippincott, Williams and Wilkins. Eds. Olesen, Hansen & Walsh. Philadelphia, 1999.	
		"Alabama Blue Cross and Blue Shield Policies Regarding Uses of Botulinum Toxin for Pain" December 2002.	
		The Subcutaneous Sumatriptan International Study Group. Treatment of Migraine Attacks with Sumatriptan. New England Journal of Medicine. (1991) Vol. 325, No. 5, pp 316-321.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.